

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSION, Mark O. Palken, U.S. Patent and Trademark Office Alexandria, VA 22314-2805 www.uspto.gov		CONFIRMATION 1/17
ATTORNEY DOCKET NO. SCHN-004		EXAMINER ALLEN, STEPHONE B
FIRST NAMED INVENTOR Pierre Charrier		PAPER NUMBER
FILING DATE 06/26/2001		ART UNIT 2878
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 7390  
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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/888,515

Applicant(s)

CHARRIER ET AL

Examiner

Stephone B. Allen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other

### **DETAILED ACTION**

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

#### ***Claim Rejections - 35 USC § 112***

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 3, "the photoreceptor area"; line 6, "the photoreceptor surface"; and lines 10-11, the photoreceptor circuit", there is insufficient antecedent basis for these limitations in the claim.

In claim 2, line 6, "the close channel" and line 7, "the remote channel, there is insufficient antecedent basis for these limitations in the claim.

In claim 2, line 6-7, since the terms "close" and "remote" are a relative terms, it is unclear how "close" or "remote" these channels are, and in relation to what?

Claim 3 is inherently indefinite due to its dependency.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent

Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by French Publication No. 2787589 to Stephane et al. (Stephane).

As best as can be understood without translation, Stephane discloses a photoelectric cell 10 including an optoelectronic photoreceptor circuit provided with a photoreceptor component having a photoreceptor area that is capable of receiving light. It is characterized by the fact that a photoreceptor surface 13 of the component has two juxtaposed photoreceptor areas 13a, 13b and these areas differ by their microelectronic nature. The cell has means 17 for assigning the photoreceptor circuit to a reflex-operating mode or a proximity-operating mode. The photoreceptor area is provided with a first output that is enabled in the reflex-operating mode. The second area is provided with analog detection of the location of the spot of light and is provided with a second output that is enabled in the proximity mode (page 2, lines 10-33, Figures 1-4).

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,355,924 to Even et al. (Even).

Even discloses a photoelectric cell including an optoelectronic photoreceptor circuit provided with a photoreceptor component having a photoreceptor area 10 that is capable of receiving light (col. 1, lines 51-55). It is characterized by the fact that a photoreceptor surface of the component has two photoreceptor areas 11, 12 (col. 3, lines 6-12) and these areas differ by their microelectronic nature. The cell has means (col. 4, lines 6-28) for assigning the photoreceptor circuit to a reflex operating mode or a

proximity-operating mode. The photoreceptor area is provided with a first output that is enabled in the reflex-operating mode. The second area is provided with analog detection of the location of the spot of light and is provided with a second output that is enabled in the proximity mode (col. 3, lines 43-47).

Claims 2 - 3 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. These claims would be considered allowable because the prior fails to show where the second area with analog detection of the location of the spot is provided with a third output and the second output forms a channel and the third output forms a remote channel of the second area for analog detection of position respectively.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The reference to Guillot et al. is cited for discloses a light detecting device that selectively operates in the reflex or proximity-operating mode.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephone B. Allen whose telephone number is (703) 308-4828. The examiner can normally be reached on 9:00-17:00 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Porta can be reached on (703) 308-4852. The fax phone numbers for

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the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

A handwritten signature in cursive script, reading "Stephon B. Allen".

Stephon B. Allen  
Primary Examiner  
Art Unit 2878

sba  
May 3, 2003